

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ATLANTIC SPECIALTY INSURANCE
COMPANY,

Plaintiff,

vs.

PREMERA BLUE CROSS,

Defendant.

NO. 2:15-CV-01927-TSZ

Joint Status Report

This action previously was stayed pending resolution of the underlying multi-district litigation matter entitled *In re: Premera Blue Cross Customer Data Security Breach Litigation*, Case No. 3:15-md-2633 (D. Or.) (the “MDL”). The MDL settlement received final approval and judgment was entered on March 2, 2020. On April 3, 2020 (docket no. 88), the Court lifted the stay in this case and directed the parties to file a report indicating what issues, if any, remain for the Court's determination. On May 8, 2020, the parties submitted a Joint Status Report regarding the existence of any further issues to be resolved and the status of Defendant Premera Blue Cross’s (“Premera”) claim for *Olympic Steamship* fees and costs (docket no. 97). On June 15, 2020, the Court issued a Minute Order (docket no. 98) directing the parties to file a Joint Status Report by July 16, 2020, addressing the following issues: (i) Whether the materials previously

JOINT STATUS REPORT –
NO. 2:15-CV-01927-TSZ

- 1 -

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sealed in this matter may be unsealed; (ii) Whether ASIC's declaratory judgment claim relating to indemnification has been resolved and can be dismissed with prejudice; and (iii) Whether the parties have reached agreement concerning the amount of attorneys' fees and costs to which Premera would be entitled if it prevails on any appeal regarding ASIC's duty to defend. The parties have conferred and submit their Joint Status Report as follows:

I. Materials Previously Sealed

Plaintiff Atlantic Specialty Insurance Company ("ASIC") and Defendant Premera previously filed certain briefs and exhibits under seal in order to prevent the disclosure of any materials that might compromise Premera's ability to defend itself in the underlying multi-district litigation matter entitled *In re: Premera Blue Cross Customer Data Security Breach Litigation*, Case No. 3:15-md-2633 (D. Or.) (the "MDL"). Since then, the MDL has been resolved by a final settlement and judgment. The parties therefore agree that all materials that were previously sealed in this matter may be unsealed.

II. ASIC's Declaratory Judgment Claim Regarding Indemnification

The parties agree that there is no longer an issue as to Premera's indemnity obligations for the MDL settlement, and that ASIC's claim for declaratory judgment regarding indemnification for the MDL may be dismissed with prejudice.

III. Premera's Claim for Olympic Steamship Fees and Costs

The parties have agreed to resolve Premera's claim for *Olympic Steamship* fees and costs for a payment by ASIC of \$226,000. The parties respectfully request that the Court enter the proposed form of judgment attached hereto.

1 DATED this 16th day of July 2020.

2 BETTS, PATTERSON & MINES, P.S.

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- 3 -

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